

Extracts from the

BUSINESS AND PROFESSIONS CODE

of California

PERTAINING TO

**WEIGHTS AND MEASURES
AND PETROLEUM PRODUCTS**

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS**

PETROLEUM

CHAPTER 14

Petroleum

**(Added by Stats 1980 ch 636 § 5.)
Formerly Chapter 7 of Division 8
(Repealed Stats 1980 ch 636.)
(Added by Stats 1963 ch 2005 § 2.)**

Articles

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ARTICLE 1

General Provisions

- § 13400. “Advertising medium”**
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§ 13400. “ADVERTISING MEDIUM”

“Advertising medium”, as used in this chapter, includes banner, sign, placard, poster, streamer and card.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13401. DEFINITIONS OF TERMS

(a) “Sell” or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

(b) “Manufacturer” means manufacturer, refiner, producer, or importer.

(c) “Petroleum products” means gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, or white gasoline, or any motor fuel, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axles.

(d) “Barrel,” when applied to petroleum products, consists of 42 gallons.

(e) “Oil” means motor oil, engine lubricant, engine oil, lubricating oil, or oils used to lubricate transmissions, gears, or axles.

(f) “Motor oil” means engine oil, engine lubricant, or lubricating oil.

(g) “Gasoline” means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines.

(h) “Engine fuel” means any liquid or gaseous matter used for the generation of power in an internal combustion engine or fuel cell. “Motor fuel” means “engine fuel” when that term is used in this chapter.

(i) “Motor vehicle fuel” means any product intended for consumption in an internal combustion engine or fuel cell to produce the power to self-propel a vehicle designed for transporting persons or property on a public street or highway.

(j) “Diesel fuel” means any petroleum product offered for sale which meets the standards prescribed for diesel fuel by this chapter.

(k) “Kerosene” means any petroleum product offered for sale which meets the standards prescribed for kerosene by this chapter.

(l) “Fuel oil” means any petroleum product offered for sale which meets the standards prescribed for fuel oil by this chapter.

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(m) “Automotive spark-ignition engine fuel” means any product used for the generation of power in a spark-ignition internal combustion engine.

(n) “Compression-ignition engine fuel” means any product used for the generation of power in a compression-ignition internal combustion engine.

(o) “Gasoline-oxygenate blend” means a fuel consisting primarily of gasoline along with a substantial amount of one or more oxygenates. For purposes of this section, “substantial amount” means more than 0.35 mass percent oxygen or, if methanol is the only oxygenate, more than 0.15 mass percent oxygen.

(p) “Oxygenate” means an oxygen-containing, ashless, organic compound such as an alcohol or ether, which can be used as a fuel or fuel supplement.

(q) “Developmental engine fuel” means any experimental automotive spark-ignition engine fuel or compression-ignition fuel which does not meet current standards established by this chapter but has characteristics which may lead to an improved fuel standard or the development of an alternative fuel standard.

(r) “Hydrogen” means a fuel composed of the chemical hydrogen intended for consumption in an internal combustion engine or fuel cell.

Added Stats 1963 ch 2005 § 2; Amended Stats 1968 ch 1072 § 1; Stats 1970 ch 140 § 1; Stats 1975 ch 547 § 1; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 167 § 1; Amended Stats 1993 ch 740 § 1; Amended Stats 1994 ch 521 § 1; Amended Stats 2001 ch 596 § 1; Amended Stats 2005 ch 91 § 2.

§ 13402. “STANDARD TEST”

“Standard test”, as used in this chapter, means test conducted in accordance with the latest published standard adopted by the American Society for Testing and Materials.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13403. “OCTANE NUMBER” OR “ANTIKNOCK INDEX NUMBER”

“Octane number” or “antiknock index number”, when used in this chapter, means that number assigned to a spark-ignition engine fuel which designates the antiknock quality. The “octane number” or “antiknock index number” shall be determined according to the American Society for Testing and Materials method or methods designated in the latest American Society for Testing and Materials (ASTM) Standard Specification D-4814.

Added Stats 1963 ch 2005 § 2; Amended Stats 1975 ch 547 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1989 ch 1047 § 2.

§ 13404. “SALE OF COMPRESSED NATURAL GAS AS A MOTOR VEHICLE FUEL”

The sale of compressed natural gas by persons who sell compressed natural gas at retail to the public for use only as a motor vehicle fuel, and who are exempted from public utility status by subdivision (f) of Section 216 of the Public Utilities Code, is a sale of a motor fuel for the purposes of this chapter.

Added Stats 1991 ch 514 § 1

§ 13405. DEVELOPMENTAL ENGINE FUELS

The Department of Food and Agriculture may grant a variance from the specifications of this chapter for developmental engine fuels if all of the following conditions apply:

- (a) Variances may only be granted to provide for the development of information under controlled test conditions to assist in the creation of chemical and performance standards for engine fuels.
- (b) Developmental engine fuel shall only be distributed or sold to fleet-type centrally fueled vehicle and equipment users.
- (c) The applicant shall warn all parties in writing of any potential risk associated with the use of the developmental engine fuel.
- (d) The applicant shall report information when and as the department may prescribe in order for the department to monitor the progress of the developmental engine fuel technology evaluation.

The applicant for a variance shall comply with all other requirements, terms, and conditions that are contained in regulations adopted by the department to further the purposes and administration of this section.

In granting a variance, the department expresses no opinion as to whether an applicant's developmental engine fuel will perform as represented by the applicant. Nor does the department express any opinion to the extent, if at all, that the developmental engine fuel may be safely and effectively used as a substitute for other spark-ignition or compression-ignition engine fuels without incident. Damages caused by the sale, delivery, storage, handling, and usage of the developmental engine fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.

The department may withdraw a variance if the applicant does not adhere to the conditions required to obtain the variance or if the department recognizes a high probability of equipment harm with the continued use of the developmental engine fuel or to protect public safety.

Added Stats 2001 ch 596 § 2.

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ARTICLE 2

Sale of Petroleum Products

[Added by Stats 1974 ch 1475 § 1.]
Renumbered Stats 1980 ch 636

- § 13410. Purchases by governmental entities**
- § 13411. Sale of petroleum products contingent upon additional purchase**
- § 13412. Repealed**
- § 13413. Deceptive, false, or misleading statements: Unfair trade practices**

§ 13410. PURCHASES BY GOVERNMENTAL ENTITIES

(a) No person who is engaged in the business of extracting oil or gas from lands within the State, or of refining gasoline for sale within the State, may refuse to sell to any city or county sufficient quantities of his petroleum products for the essential services provided by such city or county.

(b) The board of supervisors of a county or its designated county agency, upon application for the purchase of petroleum products to perform essential services by a city within that county, by any agency of such city or county which performs an essential service, or by any transit district created pursuant to law, may arrange for such purchase and shall apportion the purchase among all persons specified in subdivision (a) who engage in the sale of petroleum products within that county. The board of supervisors or its designated county agency shall, to the extent possible, apportion the total purchase of the petroleum product on the basis of such persons' sales of such petroleum product in the county during the most recent 90-day period for which information is available.

(c) For the purposes of this section, "essential services" means police, fire, health, and transportation services provided by public agencies.

Added Stats 1974 ch 1475 § 1; Renumbered Stats 1980 ch 636.

§ 13411. SALE OF PETROLEUM PRODUCTS CONTINGENT UPON ADDITIONAL PURCHASE

(a) Except as specified in subdivision (b), it is unlawful for any person to sell or offer to sell petroleum products for use in any vehicle, as the term vehicle is defined by the Vehicle Code, on the condition that the purchaser also must purchase or pay for any other products, merchandise, or services.

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(b) Notwithstanding subdivision (a), a person who operates a full service car wash facility may sell or offer to sell petroleum products for use in a vehicle on the condition that the purchaser also must purchase car wash services, provided that all of the following conditions are met:

(1) The full service car wash facility, during the base period, as a normal business practice sold gasoline or other motor fuels only to customers who purchased car wash services.

(2) The retail price for car wash services charged by the facility during any given month does not exceed the retail price for car wash services charged by the facility during the last month of the base period except by an amount equivalent to that which is produced by multiplying the retail price charged for car wash services during the last month of the base period by the percentage by which the figure representing the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations has increased in the period beginning with the last month of the base period and ending with the given month.

(3) The full service car wash facility sells or offers to sell in conjunction with the car wash services not less than ten gallons of gasoline with each purchase of such car wash services.

(4) The full service car wash facility when conditioning the sale of gasoline upon the purchase of car wash services posts in a conspicuous manner as close to the entrance to the facility as is permitted by local ordinance a sign in letters not less than six inches in height which effectively states that the purchaser must purchase car wash services in order to purchase gasoline.

(c) For the purpose of this section, the following terms shall have the following meanings:

(1) "Base period" refers to either the year of 1977, 1978, or 1979, whichever year is selected by the current operator of a full service car wash facility subject to this section. Once the operator of a full service car wash facility has selected one of these years as a base period the operator or any subsequent purchaser of the facility may utilize no other year as a base period for the purposes of this section. If the full service car wash facility was not in operation during 1977, 1978, or 1979, the base period shall be the first full calendar year in which the facility is in operation.

(2) "Full service car wash facility" means a facility which, during the base period, sold or offered to sell full service car wash services and the service of waxing the exterior of a vehicle by hand and at the same time and location sold or offered to sell gasoline.

(3) "Full service car wash services" means the cleaning of the exterior of a vehicle, by means of mechanical devices or mechanical devices and individuals, the drying

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of the exterior of a vehicle, and the cleaning, including vacuuming, of the interior of a vehicle.

(4) "Practice" means a repeated or customary action as verified by business records or other admissible evidence.

(d) In any civil action brought pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of this code for a violation of this section by a person who operates a full service car wash facility or his or her employees or agents, the person who operates the full service car wash facility shall have the burden of proof with respect to establishing compliance with the provisions of this section.

(e) Any person who elects to operate a full service car wash facility pursuant to subdivision (b) shall maintain records to substantiate that the person has complied with the provisions of paragraphs (1), (2), and (3) of subdivision (b) and shall permit the district attorney of the county in which the full service car wash facility is located and any authorized representative of a governmental agency which is authorized under state law to enforce the provisions of this section to inspect such records during normal business hours.

(f) Notwithstanding the provisions of Section 13590, the district attorney of each county shall enforce the provisions of this section.

(g) The provisions of subdivisions (b) to (e), inclusive, shall apply only during periods when the maximum retail price which may be charged for gasoline sold by any person in this state is established by the federal or state government, or any department, agency, board, or other entity thereof.

Added Stats 1974 ch 1167 § 1; Renumbered Stats 1980 ch 636; Amended Stats 1980 ch 1344 § 1.

§ 13412. REFUELING SERVICES TO DISABLED DRIVERS: EXEMPT FACILITIES

Repealed Stats 1997 ch 836 § 2.

§ 13413. DECEPTIVE, FALSE, OR MISLEADING STATEMENTS: UNFAIR TRADE PRACTICES

It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount, or saving used in the sale or selling of any commodity regulated pursuant to this chapter.

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The following misleading, unfair, or deceptive acts or practices committed or permitted by any person offering for sale any product which is regulated by this chapter are also a violation of this section:

- (a) Misrepresenting the brand, grade, quality, or price of a petroleum product.
- (b) Using false or deceptive representations or designations in connection with the sale of petroleum products.
- (c) Advertising petroleum products or services and not selling them as advertised.
- (d) Advertising petroleum products of a designated brand, grade, trademark, or trade name not actually sold or available for sale.
- (e) Making false, deceptive, or misleading statements concerning conditions of sale or price reductions.
- (f) Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit.
- (g) Except as otherwise permitted, selling a grade of motor fuel at more than one price and advertising only the lower price without advertising each of the higher prices in equal size numerals on the same advertising medium.
- (h) Placing letters, words, figures, or numerals on any advertising medium offering for sale any goods or merchandise, other than motor fuel, if the advertising medium may be construed by any reasonable person as advertising a price of motor fuel.
- (i) Forging or falsifying any records or documents required by this chapter or knowingly keeping, using, or displaying the false or forged records or documents.

Added Stats 1984 ch 698; Amended Stats 1986 ch 201 § 2.

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ARTICLE 3

Hours of Business

[Added by Stats 1974 ch 1238 § 1.]
Renumbered Stats 1980 ch 636

- § 13420. Operators of petroleum dealerships required to make monthly update of advertising medium indicating hours of sale**
- § 13421. Operators of petroleum dealerships required to turn off outdoor lighted advertising medium when not open for business**
- § 13422. Punishment for violations**

§ 13420. OPERATORS OF PETROLEUM DEALERSHIPS REQUIRED TO MAKE MONTHLY UPDATE OF ADVERTISING MEDIUM INDICATING HOURS OF SALE

Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall accurately update all signs, banners or other advertising medium which indicate hours of such sale. Advertising medium indicating hours of sale shall be updated on a monthly basis.

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636.

§ 13421. OPERATORS OF PETROLEUM DEALERSHIPS REQUIRED TO TURN OFF OUTDOOR LIGHTED ADVERTISING MEDIUM WHEN NOT OPEN FOR BUSINESS

Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall turn off all outdoor lighted advertising medium at their place of business when they are not open for business. This section shall only apply to the service station and not the retail business in a situation where gasoline service station or other facility is a part of and adjacent to a retail business provided the retail sale of gasoline or other motor vehicle fuel is not the primary purpose of that business.

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636.

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§ 13422. PUNISHMENT FOR VIOLATIONS

A violation of this article is an infraction punishable by a fine not to exceed one hundred dollars (\$100).

Added Stats 1974 ch 1238 § 1; Renumbered Stats 1980 ch 636; Amended Stats 1983 ch 1092 § 46.

ARTICLE 4

Motor Oil Fee

[Added by Stats 1979 ch 1016 § 2.]
Renumbered Stats 1980 ch 636

- § 13430. “Motor oil dealer”**
- § 13431. Amount: Persons liable**
- § 13432. Adjustments to maximum fee**
- § 13433. Regulations prescribing frequency of payments, procedures for payment of refunds, and penalties**
- § 13434. Deposit of moneys in Department of Food and Agriculture Fund**

§ 13430. “MOTOR OIL DEALER”

As used in this article, “motor oil dealer” means any person, firm, or corporation engaged in the business of producing, packaging or otherwise preparing motor oil for market, or selling or distributing motor oil.

Notwithstanding any other provision of this division, and for the purpose of this article, “motor oil” means any product used to lubricate the moving parts of an internal combustion engine.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

§ 13431. AMOUNT: PERSONS LIABLE

The following persons shall pay to the director a maximum fee of two cents (\$0.02) for each gallon of motor oil sold or purchased on or after July 1, 1980, as hereinafter provided:

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- (a) The first person who produced the motor oil shall pay the fee when the motor oil is sold to any retail establishment or motor oil dealer including any sold to the federal government, or its agencies.
- (b) A retailer shall pay the fee for motor oil received when he or she transports or causes to be transported motor oil into this state from out of state.
- (c) On any other sale of motor oil the dealer shall pay the fee except that this subdivision shall not apply to any person selling motor oil at retail.
- (d) The assessment provided for in this section shall only be paid once on any particular motor oil.

The provisions of this section shall not apply to motor oil exported for sale outside this state.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1980 ch 280.

§ 13432. ADJUSTMENTS TO MAXIMUM FEE

The fees provided in Section 13431 are maximum fees and may be established at a lower rate by the director at any time the funds derived from such assessment are more than reasonably necessary to cover the cost of administration and enforcement of this chapter, including the maintenance of a reasonable reserve fund for such purposes.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

§ 13433. REGULATIONS PRESCRIBING FREQUENCY OF PAYMENTS, PROCEDURES FOR PAYMENT OR REFUNDS, AND PENALTIES

The director may, by regulation, prescribe the frequency of payments of such assessments, the procedures for such payment, the procedures for refunds of payment, and penalties for late payment.

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636.

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§ 13434. DEPOSIT OF MONEYS IN DEPARTMENT OF FOOD AND AGRICULTURE FUND

The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund and shall be used only for the administration and enforcement of this chapter and Chapter 15 (commencing with Section 13700).

Added Stats 1979 ch 1016 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 1.

ARTICLE 5

Standards for Gasoline

- § 13440. Specifications: Rules and regulations: Standards applicable in adoption thereof**
- § 13440.5. Determining alcohol percentage**
- § 13441. Sale or delivery of nonstandard product**
- § 13442. Sale or delivery of nonstandard product as fuel for internal combustion engines: Display of sign or label: Inapplicability of provisions of article as to words “not gasoline” regarding signs or labels used in connection with certain products**
- § 13443. Specifications of sign or label**

§ 13440. SPECIFICATIONS: RULES AND REGULATIONS: STANDARDS APPLICABLE IN ADOPTION THEREOF

(a) The department shall establish specifications for automotive spark-ignition engine fuels. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the American Society for Testing and Materials (ASTM) or the Society of Automotive Engineers (SAE), for automotive spark-ignition engine fuel, except that no specification shall be less stringent than required by any California state law.

(b) Any gasoline-oxygenate blend containing methanol shall also contain an alcohol cosolvent (butanol or higher molecular weight alcohol) in an amount equal to or greater than the volume percentage of methanol except those blends previously granted a waiver by the Environmental Protection Agency.

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(c) Any gasoline-oxygenate blend containing ethanol that complies with Section 2258 of Title 13 of the California Code of Regulations, as it reads on the effective date of the act amending this section during the 1993-94 Regular Session, or as amended, may exceed the Reid vapor pressure limits of ASTM D 4814 for the area and season in which the blend is sold at retail by not more than 6.9 kilopascals (1.0 pounds per square inch), except the total Reid vapor pressure shall not exceed 103 kilopascals (15 pounds per square inch).

(d) The antiknock index as defined in Section 13403 for gasoline and gasoline-oxygenate blends shall not be less than 87.

(e) Gasoline and gasoline-oxygenate blends shall meet the latest specifications set forth in ASTM D 4814, except that no specification shall be less stringent than required by any California state law.

(f) Notwithstanding any other provision of this section, gasoline sold for use in Inyo or Mono County, or the portion of Kern County lying east of the Los Angeles County Aqueduct, shall comply with the latest specification set forth in ASTM D 4814 relating to volatility class standards for the season during which the gasoline is sold for either the interior region or the southeast region of California, except that no specification shall be less stringent than is required by any California state law.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1983 ch 1012 § 1; Amended Stats 1985 ch 167 § 2; Amended Stats 1989 ch 1047 § 3; Amended Stats 1993 ch 740 § 2.5; Amended Stats 1994 ch 521 § 2; Amended Stats 1996 ch 489 § 1.

§ 13440.5. DETERMINING ALCOHOL PERCENTAGE

For purposes of determining the percentage of a motor fuel (including gasohol) which consists of alcohol, the volume of alcohol includes the volume of any denaturant (including gasoline) which is added to the extent that these denaturants do not exceed 5 percent of the volume of the alcohol (including denaturants).

Added Stats 1983 ch 1012 § 2.

§ 13441. SALE OR DELIVERY OF NONSTANDARD PRODUCT

It is unlawful for any person to sell any product as, or purporting to be, gasoline or automotive spark-ignition engine fuel, unless the product conforms to the specifications of this article.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 167 § 2.5.

§ 13442. SALE OR DELIVERY OF NONSTANDARD PRODUCT AS FUEL FOR INTERNAL COMBUSTION ENGINES: DISPLAY OF SIGN OR LABEL: INAPPLICABILITY OF PROVISIONS OF ARTICLE AS TO WORDS “NOT GASOLINE” REGARDING SIGNS OR LABELS USED IN CONNECTION WITH CERTAIN PRODUCTS

It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark or trade name of such fuel, or the words “no brand”, which words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words “not gasoline” in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near the label or sign.

The provisions of this article, as to the words “not gasoline”, shall not apply to signs or labels used in connection with the sale or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied petroleum gas, or motor fuel comprised of a mixture of gasoline and lubricating oil properly labeled in accordance with the provisions of Article 9 (commencing with Section 13480).

Added Stats 1963 ch 2005 § 2; Amended Stats 1967 ch 68 § 4; Stats 1970 ch 140 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1989 ch 1047 § 3.

§ 13443. SPECIFICATIONS OF SIGN OR LABEL

The sign or label required by this article to be attached to the inlet end of the fill pipe of an underground storage tank shall consist of a tag or plate firmly attached or affixed and plainly visible while the tank is being filled. The letters on such sign or label may be of any convenient size.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

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ARTICLE 5.5

Standards for Hydrogen

[Added by Stats 2005 ch 91 § 3.]

§13446. STANDARDS ADOPTION

On or before January 1, 2008, the department, with the concurrence of the State Air Resources Board, shall establish specifications for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles until a standards development organization accredited by the American National Standards Institute (ANSI) formally adopts standards for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles. The department shall then adopt by reference the latest standards established by the ANSI-accredited standards development organization for hydrogen fuel for use in internal combustion engines and fuel cells in motor vehicles, except that no specification or standard shall be less stringent than is required by state law.

Added Stats 2005 ch 91 § 3.

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ARTICLE 6

Standards for Compression-Ignition Engine Fuel, Diesel Fuel, Kerosene and Fuel Oils

**[Added by Stats 1974 ch 862 § 4.]
Renumbered Stats 1980 ch 636.**

§ 13450. Petroleum product specifications

§ 13451. Sale or delivery of nonstandard compression-ignition engine fuel, diesel fuel, kerosene or fuel oil

§ 13450. PETROLEUM PRODUCT SPECIFICATIONS

The department shall establish specifications for compression-ignition engine fuel, kerosene, and fuel oil. The department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as the American Society for Testing and Materials (ASTM) or the Society of Automotive Engineers (SAE), for compression-ignition engine fuels, kerosene, and fuel oil, except that no specification shall be less stringent than required by any California state law.

(a) Diesel fuel shall meet the specifications set forth in ASTM D-975, except that sulfur specifications shall not exceed the maximum specified by any California state law.

(b) Kerosene shall meet the specifications set forth in ASTM D-3699.

(c) Fuel oil shall meet the specifications set forth in ASTM D-396, except that sulfur specifications shall not exceed the maximum specified by any California state law.

Added Stats 1974 ch 862 § 4; Renumbered Stats 1980 ch 636; Amended Stats 1982 ch 454 § 12; Repealed and added Stats 1985 ch 167 §§ 3 and 4; Amended Stats 1993 ch 740 § 3.

§ 13451. SALE OR DELIVERY OF NONSTANDARD COMPRESSION-IGNITION ENGINE FUEL, DIESEL FUEL, KEROSENE OR FUEL OIL

It is unlawful for any person to sell or deliver to any premises for the purpose of sale, any product as or purported to be "compression-ignition engine fuel," "diesel fuel," "kerosene," or "fuel oil," unless the product conforms to the specifications of this article.

Added Stats 1974 ch 862 § 4; Renumbered Stats 1980 ch 636; Repealed and added Stats 1985 ch 167 §§ 5 and 6; Amended Stats 1993 ch 740 § 4; Amended Stats 1994 ch 521 § 3.

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ARTICLE 7

Standards for Lubricating Oils and Oils Used to Lubricate Transmissions, Gears or Axles

**[The heading of Article 4 was amended to
read as above by Stats 1968 ch 1072 § 2.]
Renumbered Stats 1980 ch 636.**

- § 13460. Specifications: Products for use in internal combustion engine**
§ 13461. Products for use in lubricating transmissions, gears or axles
§ 13462. Documentation of claims made upon products' label

§ 13460. SPECIFICATIONS: PRODUCTS FOR USE IN INTERNAL COMBUSTION ENGINE

Engine oil shall not be sold or distributed for use in an internal combustion engine unless the product conforms to the following specifications:

(a) It shall meet the engine oil requirements established by the latest revision of the Society of Automotive Engineers Standard SAE J183 for engine oil performance and engine service classification.

(b) The flash points for the various Society of Automotive Engineers (SAE) classifications shall not be less than the following when tested in accordance with the latest ASTM standard method of test for flash and fire points by means of the Cleveland open cup (ASTM D-92):

<u>Viscosity Classification</u>	<u>Kinematic Viscosity (centistoke) Minimum by ASTM D445 at 100°C</u>	<u>Flash Degrees Fahrenheit</u>
SAE 5W		305
SAE 10W		335
SAE 20W		345
SAE 20		345
SAE 30		355
SAE 40		375
SAE 50		400
SAE 60		435
Grade 70	26.1 to less than 31.7	470

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(c) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

(d) Any engine oil that is represented to meet SAE engine oil performance and engine service classification SA must have a neutralization number as measured by ASTM method D-974 of 0.20 maximum.

(e) Any engine oil that is represented as “energy conserving” shall meet the requirements established by the latest revision of the Society of Automotive Engineers Recommended Practice SAE J1423.

Amended Stats 1977 ch 1226; Renumbered Stats 1980 ch 636; Repealed and added Stats 1989 ch 1047 §§ 4 and 5.

§ 13461. PRODUCTS FOR USE IN LUBRICATING TRANSMISSIONS, GEARS OR AXLES

Lubricating oil shall not be sold or distributed for use in lubricating manual transmissions, gears, or axles unless the product conforms to the following specifications:

(a) It meets the service requirements contained in the latest revision of the SAE Information Report on axle and manual transmission lubricants SAE J308.

(b) The viscosity grade classification number shall be the same as the latest published Society of Automotive Engineers Standard SAE J306 when tested in accordance with the latest method published by the American Society for Testing and Materials (ASTM).

(c) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test ASTM D-2273.

Added Stats 1968 ch 1072 § 3; Amended Stats 1974 ch 1273 § 2; Renumbered Stats 1980 ch 636; Repealed and added Stats 1989 ch 1047 §§ 6 and 7.

§ 13462. DOCUMENTATION OF CLAIMS MADE UPON PRODUCTS' LABEL

Any manufacturer or packager of any product subject to this article and sold in this State shall provide, upon request to duly authorized representatives of the department, documentation of any claim made upon their products' label.

Amended Stats 1977 ch 1226; Renumbered Stats 1980 ch 636; Repealed and added Stats 1989 ch 1047 §§ 8 and 9.

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ARTICLE 8

Price Indications on Petroleum Dispensing Apparatus

Renumbered Stats 1980 ch 636.

- § 13470. Display of price sign on dispensing apparatus: Contents of sign
- § 13470.1. Maximum lawful selling price
- § 13470.5. Gallon-to-liter conversion table
- § 13471. Placement of signs
- § 13472. Dual pricing
- § 13473. Size of letters and figures
- § 13474. Legibility of signs
- § 13475. Fractions as numerals
- § 13476. Repealed
- § 13477. Inapplicability to sale for aircraft

§ 13470. DISPLAY OF PRICE SIGN ON DISPENSING APPARATUS: CONTENTS OF SIGN

No person shall sell at retail to the general public, any motor fuel from any place of business in this state unless there is displayed on the dispensing apparatus in a conspicuous place at least one sign or price indicator showing the actual total price per gallon or liter of all motor fuel sold therefrom. The actual total price per gallon, or liter, shall include fuel taxes and all sales taxes.

When a discount for cash is offered from a dispenser computing only at the credit price, at least one sign or label shall be conspicuously displayed on the dispenser indicating that the dispenser is computing at the credit price and indicating the amount of the discount per gallon or liter in letters and numerals not less than one-half inch high.

If motor fuel is sold by the liter, the word "liter" shall be conspicuously displayed on the side of the dispensing apparatus from which service can be made.

Amended Stats 1976 ch 535; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 2.

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§ 13470.1. MAXIMUM LAWFUL SELLING PRICE

(a) No person shall sell at retail to the general public any motor vehicle fuel from any place of business in this state unless such person shall post and maintain in legible form the maximum lawful selling price of each type and grade of gasoline. The maximum lawful selling price shall be posted on each pump used to dispense gasoline at retail outlets in numbers not less than one-half inch high facing each direction from which the pumps are generally viewed by customers. The posting of the actual selling price is not considered to be the posting of the maximum lawful selling price as required by this paragraph. Whenever an adjustment is made to the maximum lawful selling price, each retail seller must post the new adjusted maximum lawful selling price, and remove the prior posted price.

(b) For the purposes of this section, "maximum lawful selling price" means the maximum lawful selling price as defined under the Emergency Petroleum Allocation Act, 15 USC 751 et. seq., and any regulations promulgated pursuant thereto.

(c) Enforcement by the Division of Measurement Standards and each county sealer of weights and measures may consist of referring complaints and information regarding possible violations to the appropriate federal agency.

Added Stats 1980 ch 984 § 1.

§ 13470.5. GALLON-TO-LITER CONVERSION TABLE

Any person selling, offering for sale, or advertising for sale, at retail to the general public, any gasoline or other motor fuel from any place of business in this state by use of or through or from any dispensing apparatus and displaying any sign showing the actual total price per liter, shall, in addition, display in a conspicuous fashion in full view of the retail purchaser and in accordance with provisions of this chapter, a gallon-to-liter conversion table showing quantity and price equivalents.

Added Stats 1976 ch 535 § 1.5; Amended Stats 1979 ch 527 § 13; Renumbered Stats 1980 ch 636; Amended Stats 1984 ch 532; Amended Stats 1985 ch 167 § 7.

§ 13471. PLACEMENT OF SIGNS

Each sign required by this article shall be placed in a conspicuous place on the dispensing apparatus and if service of gasoline or other motor fuel may be made from more than one side of such dispensing apparatus the sign shall be so placed as to be visible from at least two sides of the dispensing apparatus.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 167 § 8.

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§ 13472. DUAL PRICING

When a sign is used in addition to a price indicator as defined in Section 13470, and if the same grade of motor fuel is sold at a different price from any other dispenser on the same premises, it shall be unlawful to display such sign on a dispenser unless a sign with price numerals of equal size is displayed upon each dispenser from which the same grade of motor fuel is dispensed at higher prices.

Added Stats 1963 ch 2005 § 2; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636.

§ 13473. SIZE OF LETTERS AND FIGURES

Unless otherwise provided, all letters, figures, or numerals on each sign required by this article, however affixed, marked, imprinted, placed, or embossed, shall be at least three-fourths of an inch in height and all lines or marks used in the making or forming of all the letters, figures, or numerals which are a part of the sign shall be at least one-eighth of an inch in width.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 3.

§ 13474. LEGIBILITY OF SIGNS

All letters, figures or numerals which are part of any sign or price indicator required by this article shall be plainly legible. The color or tint shall contrast with the background and other parts of the sign.

Added Stats 1963 ch 2005 § 2; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636.

§ 13475. FRACTIONS AS NUMERALS

For the purpose of this article a fraction is considered one numeral.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13476. DISSEMINATION OF FALSE, DECEPTIVE OR MISLEADING INFORMATION AS TO PRICE PROHIBITED

Repealed Stats 1984 ch 698.

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§ 13477. INAPPLICABILITY TO SALE FOR AIRCRAFT

The provisions of this article shall not apply to the sale of motor fuel for aircraft through or from any portable dispensing device.

Added Stats 1970 ch 140 § 3; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636.

ARTICLE 9

Labeling

Renumbered Stats 1980 ch 636.

- § 13480. Sale, etc., of petroleum products from unlabeled containers, etc., unlawful: Viscosity rating: Containers with net content of gallon or less**
- § 13481. Petroleum products without brand, trademark, etc.: Requisites of label**
- § 13482. SAE/API service classification: Label requirements**
- § 13483. Application of rules respecting lettering to signs, etc., at inlet end of storage tanks**
- § 13484. Placement of signs on pumps, etc.**
- § 13485. Requirements governing hand measures**
- § 13486. Filling of tanks, pumps, containers, etc., with, or delivery of, product other than indicated by brand, trademark, etc.**
- § 13487. Repealed**
- § 13488. Repealed**
- § 13489. Authorization of use of pumps or other devices capable of withdrawing gasoline from each of two tanks containing different qualities of same petroleum product and dispensing them as single combined product**
- § 13490. Authorization of use of pumps or other devices capable of withdrawing gasoline from one tank and motor oil from another tank and dispensing them as a single combined product, or withdrawing gasoline alone**

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§ 13480. SALE, ETC., OF PETROLEUM PRODUCTS FROM UNLABELED CONTAINERS, ETC., UNLAWFUL: VISCOSITY RATING: CONTAINERS WITH NET CONTENT OF GALLON OR LESS

- (a) It is unlawful for any person to sell any petroleum product referred to in this chapter at any place where petroleum products are kept or stored for sale, unless there is affixed to each container, receptacle, pump, dispenser, and inlet end of the fill pipe of each underground storage tank, from which or into which that product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of the product, the brand, trademark, or trade name of the product, and, in the case of engine fuel and kerosene, the grade or brand name designation.
- (b) When the product is oil, as defined by Section 13401, each sign or label shall also have in letters or numerals, plainly visible, the viscosity grade classification as determined in accordance with the Society of Automotive Engineers (SAE) latest standard for engine oil viscosity classification SAE J300 or manual transmission and axle lubricants viscosity classification SAE J306, as applicable, and shall be preceded by the letters "SAE".
- (c) When the product is automotive spark-ignition engine fuel, except M-85 and M-100 methanol fuel, there shall be conspicuously displayed on the dispensing device at least one sign or label showing the minimum octane number or antiknock index, as defined in Section 13403, of the product sold therefrom.
- (d) When the product is a motor fuel consisting of a mixture or premixture of gasoline and oil or gasoline-oxygenate blend and motor oil, there shall be conspicuously displayed on the dispensing device at least one sign or label stating the ratio of gasoline to motor oil or gasoline-oxygenate blend to motor oil.
- (e) All signs or labels required by this section for retail motor fuel dispensers and containers of more than one gallon capacity shall be in letters and numerals not less than one-half inch (12.70 mm) in height. On containers of one gallon or less, the signs or labels shall be in letters and numerals not less than one-fourth inch (6.35 mm) in height and one-sixteenth inch (1.59 mm) in width.
- (f) The provisions of this section pertaining to octane numbers or antiknock index and motor oil SAE viscosity number grade shall not apply to products sold for aviation purposes.

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(g) This section shall apply, with respect to thinners or solvents, only to the sale, delivery, or offer for sale of the products through service stations, garages, and other retail outlets.

Added Stats 1963 ch 2005 § 2; Amended Stats 1968 ch 1072 § 4; Stats 1970 ch 140 § 4; Stats 1974 ch 862 § 5; Stats 1975 ch 547 § 7; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1982 ch 758 § 34; Amended Stats 1983 ch 1012 § 3; Amended Stats 1985 ch 167 § 9; Amended Stats 1989 ch 1047 § 10; Amended Stats 1994 ch 521 § 4; Amended Stats 1998 ch 459 § 1.

§ 13481. PETROLEUM PRODUCTS WITHOUT BRAND, TRADEMARK, ETC.: REQUISITES OF LABEL

If any petroleum product is offered for sale, but not under any brand, trademark, or trade name, the words “no brand” shall be used as the brand, trademark, or trade name designation. The words “no brand” shall be in letters of gothic type with a stroke of not less than one-half inch in width, not less than three inches in height, and shall consist of red letters on a white background.

*Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.
Repealed and Added Stats 1988 ch 590 §§ 1 and 2.*

§ 13482. SAE/API SERVICE CLASSIFICATION: LABEL REQUIREMENTS

It is unlawful for any person to sell or distribute engine oil or axle and manual transmission lubricant unless the SAE/API service classification is conspicuously marked on each container. Each container of engine oil with a volume of one gallon or less shall bear a plainly visible statement indicating generally the automobile model years or condition of service for which the engine oil is suitable for gasoline engines as described in SAE J183.

Added Stats 1989 ch 1047 § 11.

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§ 13483. APPLICATION OF RULES RESPECTING LETTERING TO SIGNS, ETC., AT INLET END OF STORAGE TANKS

The provisions of this article as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but such letters shall be plainly visible while such underground storage tank is being filled.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13484. PLACEMENT OF SIGNS ON PUMPS, ETC.

Whenever any pump, receptacle or other container is maintained or used to serve more than one driveway, the signs or labels required by this chapter shall be placed upon both sides of such pump, receptacle or other container so that one set of signs or labels shall be clearly visible from each such driveway.

Wherever any pump, receptacle or other container is maintained or used to serve only one driveway, the signs or labels required by this chapter shall be upon the side of such pump, receptacle or other container adjacent to such driveway.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13485. REQUIREMENTS GOVERNING HAND MEASURES

Small hand measures used for delivery of petroleum products, and filled in the presence of the customer, need not be labeled in accordance with this chapter if the receptacle, container or pump from which petroleum products are drawn or poured into such hand measures is properly labeled as required by this chapter.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13486. FILLING OF TANKS, PUMPS, CONTAINERS, ETC., WITH, OR DELIVERY OF, PRODUCT OTHER THAN INDICATED BY BRAND, TRADEMARK, ETC.

(a) It is unlawful, at any place of business where petroleum products are sold, for any person to do either of the following:

- (1) Deliver into a storage tank or container any petroleum product other than the product identified on the label attached to the storage tank or container.

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(2) Sell by means of, or through, a pump or other device, any petroleum product other than the product identified on the required label, tag, or sign attached to the pump or other device.

(b) This section does not prohibit the delivery of motor fuel into a storage tank labeled with the authorized rebrand as provided in Article 14 (commencing with Section 13560).

Added Stats 1963 ch 2005 § 2; Amended Stats 1970 ch 140 § 5; Stats 1975 ch 547 § 9; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Repealed and Added Stats 1988 ch 590 §§ 4 and 5.

§ 13487. CONNECTION OF PUMP, ETC., BEARING PARTICULAR LABEL WITH RECEPTACLE CONTAINING ANOTHER PRODUCT

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1988 ch 590 § 6.

§ 13488. DELIVERY OF PRODUCT OTHER THAN THAT INDICATED BY LABEL ON PUMP, ETC.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1988 ch 590 § 7.

§ 13489. AUTHORIZATION OF USE OF PUMPS OR OTHER DEVICES CAPABLE OF WITHDRAWING GASOLINE FROM EACH OF TWO TANKS CONTAINING DIFFERENT QUALITIES OF SAME PETROLEUM PRODUCT AND DISPENSING THEM AS SINGLE COMBINED PRODUCT

The use of pumps or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product and dispensing them as a single combined product shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon or liter for the particular quality combination being dispensed, and the total price of the quantity of gasoline dispensed at the particular sale.

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(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede the provisions of Sections 13442, 13443, 13480, 13483, 13486, 13487, and 13488 to the extent necessary to authorize the operation of a blending type of pump connected to two tanks containing two different products, or two different grades of the same product, which, when blended together in different proportions will produce gasolines of different octane rating, each blend of which shall meet the specifications for gasoline as required by this chapter.

Added Stats 1963 ch 2005 § 2; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1989 ch 1047 § 12.

§ 13490. AUTHORIZATION OF USE OF PUMPS OR OTHER DEVICES CAPABLE OF WITHDRAWING GASOLINE FROM ONE TANK AND MOTOR OIL FROM ANOTHER TANK AND DISPENSING THEM AS A SINGLE COMBINED PRODUCT, OR WITHDRAWING GASOLINE ALONE

The use of pumps or other devices which are capable of withdrawing gasoline from one tank and motor oil, or a premixture of gasoline and motor oil in a known ratio, from another tank, and dispensing them as a single combined product, or of withdrawing gasoline alone from the tank containing gasoline and of withdrawing a premixture of gasoline and motor oil alone from the tank containing a premixture of gasoline and motor oil shall be authorized when the department determines that all the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed, the quantity being dispensed from the gasoline tank when gasoline alone is dispensed, or the quantity being dispensed from the tank containing a premixture of gasoline and motor oil when the premixture alone is dispensed.

(b) The device mechanism accurately and visibly records and displays: (1) the ratio of gasoline to motor oil or premixture, the quantity of each ingredient being dispensed, the price per gallon or liter for the gasoline being dispensed, and the price per quart or liter for any motor oil or premixture being dispensed or (2) the ratio of gasoline to motor oil or premixture and the price per gallon or liter for the product being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil or premixture during dispensing.

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The provisions of this section shall supersede Sections 13442, 13443, 13480, 13483, 13486, 13487, and 13488 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil, or a premixture of motor oil and gasoline in a known ratio, and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for motor oil as required by Section 13460 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 13440.

Added Stats 1963 ch 2005 § 2; Amended Stats 1965 ch 1392 § 1; Stats 1974 ch 862 § 6; Stats 1975 ch 547 § 10; Amended Stats 1978 ch 753; Renumbered Stats 1980 ch 636; Amended Stats 1985 ch 345 § 4; Amended Stats 1989, Ch 1047 § 13.

ARTICLE 10

Tank Vehicles

[Repealed Stats 1984 ch 698 § 3.]

[New Article Added Stats 1984 ch 698 § 4.]

- § 13500. Labeling**
- § 13501. Commingling of products**
- § 13502. Deliveries into storage tanks**
- § 13503. Deliveries to aircraft**

§ 13500. LABELING

(a) It is unlawful for any person to transport in any tank vehicle, for the purpose of sale or for delivery to any place where petroleum products are stored for sale, any petroleum product referred to in this chapter unless there is firmly affixed at each outlet or valve of the tank vehicle, a metal tag, plate, or label. The tag, plate or label shall display, in letters not less than one-half inch in height, the name and grade of the product in the tank compartment of the tank vehicle. In the case of motor oil, the Society of Automotive Engineers (SAE) viscosity number shall also be displayed on the tag, plate, or label.

(b) If the product is gasoline intended to be sold as unleaded gasoline, the grade designation shall contain a designation of unleaded.

Added Stats 1984 ch 698.

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§ 13501. COMMINGLING OF PRODUCTS

It is unlawful for any person, when delivering for the purpose of sale, or delivering to any place where petroleum products are kept for sale, to commingle any product with another product or to commingle grades of a product, if as a result of the commingling the product delivered does not meet the specifications adopted or established by the department.

Added Stats 1984 ch 698.

§ 13502. DELIVERIES INTO STORAGE TANKS

It is unlawful for any person to deliver into a storage tank or container at any place where petroleum products are stored for sale, any product other than the product identified on the label attached to the storage tank or container.

Added Stats 1984 ch 698.

§ 13503. DELIVERIES TO AIRCRAFT

It is unlawful to deliver aviation gasolines to the fuel tank of any aircraft through the same meter used for deliveries of gasolines not specifically refined or manufactured for aviation use.

Added Stats 1984 ch 698

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ARTICLE 11

Basis of Settlement

[Added by Stats 1975 ch 972 § 1.]
Renumbered Stats 1980 ch 636.

§ 13520. TEMPERATURE-CORRECTED GALLONAGE

It is unlawful for any distributor or for any broker to sell any product to a retailer or to any person, when the quantity distributed in any single delivery to a single location is 5,000 or more gallons, as, or purporting to be, gasoline or diesel fuel, unless, the distributor or broker, as the case may be, offers to invoice the purchaser for such gasoline or diesel fuel on the basis of temperature-corrected gallonage to 60 degrees Fahrenheit for all such deliveries to the purchaser over a period of twelve (12) consecutive months and settles his accounts with the purchaser on the same basis.

Added Stats 1975 ch 972 § 1; Amended Stats 1979 ch 233 § 1; Renumbered Stats 1980 ch 636.

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ARTICLE 12

Price Sign Advertising

[Repealed Stats 1984 ch 698 § 5.]

[New Article Added Stats 1984 ch 698 § 6.]

- § 13530. Application of article: Display of price per liter or per gallon**
- § 13531. Display requirements: Exemption of specified geographic areas:
Violations: Enforcement**
- § 13532. Motor fuel: Contents of display**
- § 13533. Motor oil: Contents of display**
- § 13534. Additional advertising matter**
- § 13535. Motor fuel or motor oil with no brand designation**
- § 13536. Legibility**
- § 13537. [Repealed]**
- § 13538. [Repealed]**
- § 13539. [Repealed]**
- § 13540. Local regulation**

§ 13530. APPLICATION OF ARTICLE: DISPLAY OF PRICE PER LITER OR PER GALLON

(a) Nothing in this article applies to price indicators and signs referred to in Article 8 (commencing with Section 13470). However, any numerals designating the price per gallon or liter for a particular brand and grade of motor fuel permitted or required under Article 8 (commencing with Section 13470) shall, unless otherwise stated, be identical in numerical value with the price per gallon or liter for the same brand and grade of motor fuel permitted or required under this article.

(b) Nothing in this chapter requires that the cash or merchandise value of trading stamps be stated on any advertising media which either advertises the stamps or advertises the price of motor fuel.

(c) Unless otherwise prohibited, any person selling motor fuel by the liter shall be authorized to advertise its price by displaying on the advertising medium either the price per liter or the price per gallon.

Added Stats 1984 ch 698.

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§ 13531. DISPLAY REQUIREMENTS: EXEMPTION OF SPECIFIED GEOGRAPHIC AREAS: VIOLATIONS: ENFORCEMENT

(a) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium which complies with the requirements of this article and which advertises the prices of the three major grades of motor vehicle fuel offered for sale. The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection. For the purposes of this subdivision, motor vehicle fuel does not include propane.

(b) The governing body of any city, county, or city and county may, by ordinance, exempt specified geographic areas from the provisions of this section if, pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7 of the Government Code, the areas are designated on the local general plan as scenic corridors or historic preservation areas.

(c) (1) Except as provided in paragraph (2), any person who violates the provisions of subdivision (a) is guilty of an infraction and, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500).

(2) Any person who violates the provisions of subdivision (a) and who has been previously convicted two or more times of a violation of subdivision (a) is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both.

(d) Notwithstanding Section 13590, the district attorney of each county, or pursuant to Section 41803.5 of the Government Code, the city attorney of any general law city or chartered city within each county, or the county sealer, shall, upon complaint or upon his or her own motion, enforce the provisions of this section and, in addition, may bring an action for injunctive relief in accordance with Section 13611.

Added Stats 1984 ch 698.

§ 13532. MOTOR FUEL: CONTENTS OF DISPLAY

(a) It is unlawful for any person to display any advertising medium which indicates the price of motor fuel unless the advertising medium displays all of the following:

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- (1) The price per gallon or liter, including all taxes, in numerals, and fractions when applicable, not less than six inches in height and of uniform size and color. For the purpose of this article, fractions are considered one numeral.
 - (2) The trademark or brand of the motor fuel in letters, figures, or numerals not less than one-third the size of the numerals designating the price.
 - (3) The word "gasoline" or the name of other motor fuel in letters not less than one-third the size of the numerals designating the price, but these words need not be more than four inches in height.
 - (4) The grade designation of the motor fuel in letters or numerals not less than one-sixth the size of the numerals designating the price, but this designation need not be more than four inches in height.
 - (5) If motor fuel prices are advertised by the liter, the word "liter" shall be displayed on the advertising medium in letters not less than one-third the size of the numerals designating the price.
- (b) (1) It is unlawful for any person to display an advertising medium which advertises a discount or price reduction for motor fuel, unless the advertising medium contains all the following:
- (A) The price per gallon or liter from which the discount or price reduction is to be taken.
 - (B) The amount of the discount or price reduction in cents per gallon or liter using numerals which do not exceed the height of the numerals in the advertised price.
 - (C) The conditions of the discount or price reduction using words whose letters are not less than one-third the size of the price numerals.
- (2) Any limitations under which the discount or price reduction is offered shall be explained in words whose letters are not less than one-third the size of the numerals indicating the prices.
- (3) There shall be available for each customer's reference, a chart showing the amount of discount for each type unit being sold (gallon/liter) or fraction thereof in one cent (\$0.01) increments, or the retail dispensers used to dispense fuel at the discount price shall be set to compute the total sale at the discounted price per gallon or liter and shall be clearly labeled "Includes Cash Discount" in letters not less than one inch in height.

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(4) For purposes of this subdivision, the motor fuel shall be sold in the same unit of measure (e.g., gallons or liters) in which the discount and the price from which the discount is taken are advertised.

(c) In the event that the same grade of motor fuel is sold at different prices from any single place of business, it is unlawful for any person to display any advertising medium which advertises a price of a grade of motor fuel unless the advertising medium advertises in numerals of equal size each of the higher prices, including all taxes, for which the grade is sold or offered for sale, and unless the advertising medium explains the conditions, and any limitations, under which that grade is sold or offered for sale at different prices. The words of explanation shall be clearly shown in letters at least one-third the size of the numerals indicating the prices. The different prices at which the same grade of motor fuel is sold or offered for sale shall be advertised in the same unit of measure (either price per gallon or price per liter) as permitted or required by law.

(d) Nothing in this section prohibits any person who has posted or displayed a sign or advertising medium in compliance with this chapter from displaying additional signs or advertising media which state either (1) the amount of discount in cents per gallon or liter, or (2) the price of one or more brands or grades of motor fuel sold or offered for sale, provided the conditions and any limitations of the discount or price of the brand or grade of motor fuel are included in the additional advertising media in letters not less than one-third the size of the numerals indicating the discount or price.

Added Stats 1984 ch 698; Amended Stats 1985 ch 345 § 5; Amended Stats 1988 ch 590 § 8.

§ 13533. MOTOR OIL: CONTENTS OF DISPLAY

It shall be unlawful for any person to display on or near the premises of any place of business in this state any advertising medium which advertises the price of motor oil offered for sale without conspicuously showing on the same advertising medium the brand of the motor oil and the name of the product. The letters, figures and numerals used to designate the brand and the name of the product shall not be less than one-half the size of the numerals designating the price.

Added Stats 1984 ch 698.

§ 13534. ADDITIONAL ADVERTISING MATTER

(a) Except as provided by subdivision (b), and subdivisions (b), (c), and (d) of Section 13532, it is unlawful for any person to place any additional advertising matter on any advertising medium referred to in this article except:

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(1) A description of the products offered for sale in letters or numerals not larger than the price numerals.

(2) Methods of sale, such as self-serve or full-serve, in letters not less than one-third the size of the price numerals.

(3) Words describing the type of services offered at the place of business, such as food market, car wash, tune-up, and the registered trademark or trade name of the service, but not the price of the service.

(b) Subdivision (a) does not apply to electronic changeable message centers when the advertising content includes both the product offered for sale and its price in a single advertising message, or when the product and price components of the advertising message clearly relate to one another and the price neither starts nor ends the message.

Added Stats 1984 ch 698; Amended Stats 1985 ch 345 § 6; Repealed and Added Stats 1988 ch 590 §§ 9 and 10; Amended Stats 2004 ch 72 § 1.

§ 13535. MOTOR FUEL OR MOTOR OIL WITH NO BRAND DESIGNATION

If any motor fuel or motor oil is advertised for sale, but not under any brand designation, the words “no brand” shall be used on the advertising medium as a brand designation.

Added Stats 1984 ch 698.

§ 13536. LEGIBILITY

All letters, words, figures, or numerals which are part of the advertising media referred to in this article shall have a heavy type face or stroke, shall be clearly visible, and of a color or tint that will contrast the letters, words, figures, or numerals with the background of the advertising media. The height of the letters, figures, and numerals, except the letter “1” and numeral one, shall not be more than twice the width.

Added Stats 1984 ch 698.

§ 13537. PLACEMENT OF ADVERTISING MEDIA

Added Stats 1984 ch 698; Repealed Stats 1986 ch 201.

§ 13538. ADVERTISING OF OTHER GOODS

Added Stats 1984 ch 698; Repealed Stats 1986 ch 201.

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§ 13539. ADVERTISING OF PRODUCT NOT SOLD ON PREMISES

Added Stats 1984 ch 698; Repealed Stats 1986 ch 201.

§ 13540. LOCAL REGULATION

Nothing in this article shall be construed to prohibit the governing body of any city, county, or city and county from enacting ordinances, including, but not limited to, land use and zoning ordinances, which impose restrictions on the advertising medium referred to in this article, so long as any provisions of the ordinances dealing with matters specifically covered in this article are identical to this article.

Added Stats 1984 ch 698.

ARTICLE 13

Inducements for the Sale of Gasoline or Motor Fuel

[Added by Stats 1974 ch 519 § 1.]
Renumbered Stats 1980 ch 636.

§ 13550. PARTICIPATION IN GIVEAWAY PROGRAMS BY RETAIL DEALERS NOT TO BE MADE COMPULSORY

No petroleum corporation or distributor shall compel or unduly or unreasonably influence any retail gasoline dealer to participate in the giveaway or offer to give away free of charge any item of value, including trading stamps or any kind of merchandise or goods, whether or not such giveaway is conditional upon the purchase of gasoline, motor fuel or petroleum products. The decision to participate in such giveaways shall be solely that of the retail gasoline dealer. Nothing in this section shall prohibit a retail gasoline dealer from entering into an agreement to participate in any such giveaway program.

Added Stats 1974 ch 519 § 1; Renumbered Stats 1980 ch 636.

WEIGHTS AND MEASURES

ARTICLE 14

Passing Off

Renumbered Stats 1980 ch 636.

- § 13560. Repealed.
- § 13561. Right to sell product of manufacturer under seller's own trademarks, etc., or words "no brand," on authorization therefore
- § 13562. Change of designation under which product purchased: Authorization
- § 13563. Repealed.
- § 13564. Repealed.
- § 13565. Repealed.
- § 13566. Repealed.
- § 13567. Repealed.
- § 13568. Written authorizations: Furnishing copies
- § 13569. Repealed.
- § 13570. Percentage of alcohol to be stated on normal business records
- § 13571. Inspection of documentation

§ 13560. FALSE REPRESENTATION AS TO MANUFACTURER, REFINER, PRODUCER, IMPORTER, BRAND OR TRADE NAME, OR SAE NUMBER CLASSIFICATION OF PRODUCT

Added Stats 1963 ch 2005 § 2; Amended Stats 1975 ch 547 § 21; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201

§ 13561. RIGHT TO SELL PRODUCT OF MANUFACTURER UNDER SELLER'S OWN TRADEMARKS, ETC., OR WORDS "NO BRAND", ON AUTHORIZATION THEREFORE

This article does not prohibit any person from selling under his own trademarks, trade names, brands, or the words "no brand", the product of any manufacturer if such person has first obtained the written authorization of the true manufacturer so to sell such product.

Added Stats 1965 ch 1394 § 1; Renumbered Stats 1980 ch 636.

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§ 13562. CHANGE OF DESIGNATION UNDER WHICH PRODUCT PURCHASED: AUTHORIZATION

No person other than the true manufacturer who purchases any petroleum product shall change the designation under which the product is purchased by him, without a written authorization.

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636.

§ 13563. WRITTEN AUTHORIZATIONS: WHEN REQUIRED

Added Stats 1965 ch 1394 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13564. WRITTEN AUTHORIZATIONS: CONTENTS

Added Stats 1963 ch 2005 § 2; Amended Stats 1965 ch 1394 § 3; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13565. FORM OF AUTHORIZATIONS: ADDITIONAL INFORMATION THEREIN

Added Stats 1965 ch 1394 § 4; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13566. WRITTEN AUTHORIZATIONS: PLACE OF KEEPING

Added Stats 1963 ch 2005 § 2; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13567. WRITTEN AUTHORIZATIONS: AVAILABILITY FOR INSPECTION

Added Stats 1965 ch 1394 § 5; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

WEIGHTS AND MEASURES

§ 13568. WRITTEN AUTHORIZATIONS: FURNISHING COPIES

Copies of the written authorizations required by this article shall be furnished the department upon request.

Added Stats 1965 ch 1394 § 6; Renumbered Stats 1980 ch 636.

§ 13569. FORGERY OR FALSIFICATION

Added Stats 1965 ch 1394 § 7; Renumbered Stats 1980 ch 636; Repealed Stats 1986 ch 201.

§ 13570. PERCENTAGE OF ALCOHOL TO BE STATED ON NORMAL BUSINESS RECORDS

(a) A manufacturer, blender, agent, jobber, consignment agent, or distributor who distributes motor fuel products that contain at least 1 percent alcohol by volume, shall state on an invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except in documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number, as defined in Section 13403, of the products distributed.

(b) If a motor vehicle fuel product contains less than 10% percent alcohol, a statement in the documentation that the product "contains up to 10% ethanol" meets the requirement of subdivision (a) that it state the percentage of alcohol.

(c) This section, as it relates to certification of the minimum antiknock index number, applies to all motor vehicle gasoline distributed.

Added Stats 1983 ch 1012 § 4; Amended Stats 1984 ch 698; Amended Stats 1985 ch 167 § 10; Amended Stats 2003 ch 63 § 1.

§ 13571. INSPECTION OF DOCUMENTATION

Copies of the documentation specified in Section 13570 shall be available for inspection during business hours by duly authorized representatives of the department.

Added Stats 1983 ch 1012 § 5.

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ARTICLE 15

Adulteration

**Renumbered Stats 1980 ch 636
[Repealed Stats 1986 ch 201]**